

ANNEXURE 16



Department Integrated Environmental Management

Municipal Health Division

2016

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2.0 Definitions

“Authorised Official”	means any of the following persons, Waste Management Officer, Environmental health Practitioners, Municipal public safety officers, Peace Officers, Environmental management Inspectors, Municipal Waste Management Practitioner.
“Garden Service”	means the provision of gardening services by a licensee including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, in respect of any domestic, business, commercial or industrial premises.
“Informal Reclaimer”	means a person who salvages, reusable or recyclable materials thrown away by others to sell or for personal consumption.
"Municipality"	means Mogale City Local Municipality as established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998):
“Prescribed Fee”	means a fee determined by the Municipality by resolution in terms any applicable legislation.

"Recycling"	means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material.
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"Recyclable Waste"	means waste which has been separated from the waste stream, and set aside for purposes of recycling.
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"Storage"	means the storage of waste for a period of less than 7 days.
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"Waste"	<p>means any substance, whether or not that substance can be reduced, re-used, recycled and recovered—</p> <ul style="list-style-type: none"> (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of (b) which the generator has no further use of for (he purposes of production; (c) that must be treated or disposed of; or (d) that is identified as a waste by the Minister by notice in the Gazette, and includes waste generated by the mining, medical or other sector, but— <ul style="list-style-type: none"> (i) a by-product is not considered waste; and (ii) any portion of waste, once re-used, recycled and recovered, ceases to be waste;
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"Waste disposal facility"	means any site or premise used for the accumulation of waste with the purpose of disposing of that waste at that site or on that premise;
"Waste transfer facility"	means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;
"Waste transporter"	means anyone who collects and transport waste within the area of Mogale City Local Municipality
"Waste Hierarchy"	means acceptable guideline for prioritizing waste management practices with the objective of achieving optimal environmental outcome by setting out preferred order of waste management practices through the following order, avoidance, reduce, reuse, recycle, recover, treat and dispose.
"Waste Generator"	means any person who generates or produces waste.

3.0 Policy background

Waste management has been taking huge improvement steps in a number of aspects with a particular focus on waste minimisation and sorting at source. In this regard a number of initiatives have been implemented and supported.

Strengthening waste collection and removal has been the main focus in the recent years. This has seen the introduction of private sector involvement through contracted services. The initiative has created more capacity to easily absorb new developments with demand for waste collection and removal.

The attention given to waste minimisation and sorting at source is also beginning to take shape. The approach is based on waste hierarchy principles and has been targeting big waste generators in Mogale City Local Municipality. The programme saw all shopping malls and shopping being encouraged to convert their waste areas to sorting waste with enormous positive spinoff in sustainable job creation.

Promoting recycling and monitoring the recycling centres have also been improved waste minimisation significantly. The new approach proposes to set norms and standards for this important aspect of waste management.

In taking the initiative to the next level this policy is developed to address some of the critical aspects of waste management by promoting in particular the principle's of waste hierarchy and regulating the private sector waste activities in waste minimisation with the sole purpose of ensuring that they operate within the confines of norms and standards that will improve waste management in MCLM.

The proposed policy addresses not only the waste handling measures but also creating new tariffs in various aspects.

4.0 Main Policy Focus

The focus of this policy include the following aspects in support waste hierarchy principle;

- Temporary waste storage – bulk containers
- Business temporary waste storage
- Temporary storage of building rubble
- Waste handling facilities
- Sorting and recycling
- Public gathering

All these aspects are seen as opportunities for waste regulation and minimisation. Enforcement of the provision also calls for implementation new tariffs as outlined below.

5.0 Temporary Waste Storage

6.0 Skip or Bulk containers

(a) A person leasing a skip bulk container from Mogale City Local Municipality shall be responsible for safe keeping of the skips whilst such skip is in their premises;

(b) Should the skip or bulk be damaged or burned the damage shall be assessed and quotation shall be sourced and the amount required to repair the damage or replace the skip shall be recovered from the person and shall also be included in their municipal account;

(c) Skip or bulk container may not be used in shopping centres as the only means of waste storage facility;

- i. Skip or bulk may not be used as a means of storage facility for residential areas unless it a first level of service where there is no road access and shall be provided and approved by Mogale City Local Municipality;
- ii. Should the skip or bulk container be inaccessible due to obstruction or any restriction the owner shall be responsible to pay trip as if the service was rendered;
- iii. The owner shall be responsible to ensure that no damage is caused to the container, no burning of refuse, no nuisance is allowed to emanate from the container;
- iv. Damage to owners' property during skip removal must shall not be the responsibility of MCLM but of the owner unless the owner has not approved the access to the premises
- v. The skip or bulk container shall not be used for any other purpose other than placing waste;
- vi. No business or business owner shall use a communal skip or bulk container for disposal or storage of their waste when they have household or kerb waste collection in their area;
- vii. Nobody shall use the skip or bulk container to dispose of the dead animal or garden waste or building rubble;
- viii. Any person or company rendering refuse skip collection for private or commercial gains shall register with Mogale City Local Municipality;
- ix. The skips shall at all the time comply with the conditions issued by the authorised official
- x. The skips shall not cause any nuisance at the premises where they are kept or during transportation should nuisance arise at any stage of storage, transportation the municipality may issue a compliance notice;
- xi. Open top skips shall only be used for builders' rubble and inert material otherwise skips with closed tops and doors for access must be used for storage of the organic waste;

7.0 Business Temporary Waste Storage

The following applies to business temporary waste storage:

- a) Shopping centres and malls shall apply waste hierarchy
- b) Shopping centres and malls must inform the municipality 14 days before they open for public;

- c) All shopping centres and malls must have a dedicated waste storage area to sort and separate waste;
- d) Such waste storage area shall not be used or converted into any other use other than waste area;
- e) All shopping centres and malls shall ensure that the waste area is kept clean and no nuisance arises from it;
- f) The waste area shall be covered to ensure that waste may not be exposed to wet weather;
- g) The shopping centres and malls shall apply for waste management handling permit;
- h) The municipality must render waste collection from the centre unless the owner applies to municipality to utilise the services of registered waste transporter;
- i) Such waste transporter shall declare in the application form, the waste to be collected and the number of customers or service units or clients it services;
- j) Shopping centres and malls shall prepare and submit a business waste management plan whose principles shall be based on waste hierarchy
- k) The basic tariff shall be determined annually by the municipal council of Mogale City Local Municipality;

8.0 Temporary Storage of Building Rubble

- (a) Any person storing building waste/rubble for any other purpose on any premises for more than 30 days should apply to the municipality for permission to store such waste
- (b) Any person demolishing, constructing and / or extending any premises should notify the municipality 30 days prior to such demolition, construction and / or extension.
- (c) Before an extension or construction the owner/contractor must pay a kerbside fee
- (d) No kerbside fee will be released by the municipality without the owner producing a disposal certificate, which indicates safe disposal of such rubble

9.0 Waste Handling Facilities

For the purpose of these by-laws waste handling facilities shall include;

- a) Garden / compost centres;
- b) Transfer stations;
- c) Drop off centres;
- d) Recycling centres;

- e) Buy back centres;
 - f) Business waste storage areas; and
 - g) General waste storage areas;
- (i) Anyone who stores waste for any period longer than 7 days shall apply to Mogale City Local Municipality for a permit to store the waste and shall comply with these policy or any other relevant policies.
 - (ii) Nobody shall store waste in any form within Mogale City Local Municipality without written consent from Authorised Official.
 - (iii) No person shall operate any of the facilities mention in subsection (1) above without first obtaining a permit or a written concerned from Authorised Official.
 - (iv) The permit shall be renewable annually on the date on which the permit was obtained or approved by the municipality.
 - (v) The operator shall at all times comply with permit conditions or any conditions or notices issued to him or her by Authorised Official or any of the authorized person
 - (vi) The authorized official may at any time enter the premises and may not be obstructed in any way and may give instructions on site, request for any information or to see any operation;
 - (vii) Any unsatisfactory conditions shall be rectified within 14 days unless a longer period is requested in writing by the operator from Authorised Official or any of the facilities mentioned above. Failing which the operator will be ordered to cease operation if in the opinion of Authorised Official or authorized person of the area the facility's operator is not doing enough to abate any unhealthy conditions or the prevailing conditions are such that the health of the community will best be safe guarded by closure of the facility.
 - (viii) Upon Authorised Official being aware that there is a center operating without the Authorised Official operating permit, the Authorised Official shall give such a facility 7 days' notice to apply for the permit.
 - (ix) Failure to apply within 7 days shall be an offense for which every day that the center operates without a permit shall a be liable to pay a fine daily of R100-00 up until the facility has applied for a permit

10.0 Recycling, Re-use, Buy Back and Sorting facilities

- (a) Any person who undertakes any recycling, re-use or recovery activity or who sorts waste, buy back centers, recycling groups, must, before undertaking that activity register with Mogale City Local Municipality and must ensure that the recycling, re-use or recovery of the waste is less harmful to the environment than its disposal and must comply with all Mogale City Local Municipality guidelines and conditions;

- (b) The person referred to in subsection (1) must also submit a waste management plan, and the municipal waste management officer must, when deciding to grant registration, consider such waste management plan;
- (c) Persons and entities that handle, transport, process, treat and dispose of waste for recycling purposes shall provide the waste management officer with a written report on or before the 7th of each month in a format to be determined by the Mogale City Local Municipality;
- (d) The municipal waste management officer may exempt certain waste generators, handlers, transporters or agents of waste from such requirements;
- (e) Recyclable material for the purpose of recycling must not be stored at any premises resulting in risks or nuisance;
- (f) A person involved in any way in recycling, must comply with all applicable statutory requirements;
- (g) Separation of waste or sorting of recyclables shall be performed on the premises of the point of generation of the recyclable waste stream;
- (h) All facilities where separation and classification of recyclable material is performed, must comply with the applicable statutory requirements;
- (i) Anybody collecting or sorting waste shall register with Mogale City Local Municipality as informal reclaimer;
- (j) The municipality shall have basic requirements for reclaimers which shall include keeping the sorting area clean and ensuring that on completion of sorting no litter shall remain in such a place and that no litter shall be caused during transportation of reclaimed material;
- (k) anyone sorting and recycling at household level should first request permission from the municipality and meet all the requirements of the municipality which include payment if approved of a specific fee;

11.0 Public Gathering

- (a) Prior arrangement should be made with the municipality so as to ensure that proper waste management plan is submitted
- (b) A refundable deposit will be payable by anybody organising a public gathering before the commencement of the event, and the deposit will be paid back only when the place is free from litter and stored waste is safely disposed of with a disposal certificate.
- (c) Anybody organising a public gathering shall make adequate waste storage and collection service available for waste generated during such event;
- (d) Anybody organising a public gathering or match shall take full responsibility for any waste generated and shall clean all waste after the event;

(e) After the event the organisers are still responsible for cleaning the area to the satisfaction of the municipality's department responsible for waste management;

(f) All costs for cleaning the area shall be the responsibility of the organisers and failure to clean the area by the organisers will result in forfeiting refundable deposit and if cost of cleaning is higher than refundable deposit the difference should be the responsibility of the organiser.

12.0 The following fees shall be applicable:

- a) Administration fees;
- b) Annual licence renewal fees;
- c) Service charges per service point for each month that refuse is collected or transported;
- d) Recycling facilities, temporary waste licence;
- e) Late annual renewal penalties;
- f) Licence reinstatement fees; and
- g) Collection, recycling and transportation of waste without license penalties

13.0 Service Charges and Fees

(a) The applicant must pay a service charge for refuse collection for each household or business within the premises serviced by the applicant on monthly basis to the municipality;

(b) For bulk and skip containers the WMO must determine the number of service charge or points for the purpose of monthly payable charge which shall be based on the information supplied by the applicant or revealed by an inspection in loco of the premises by the WMO;

(c) Such service charge per service point shall be payable monthly and shall be subjected to monthly annual tariffs increase.

14.0 Call Back Service

Call back service tariff shall apply when normal refuse collection schedule is completed and a request is made for the same service, the service will be available on that collection day from 08h00 and 15h00

Schedule I

Tariff Description	Prescribed Fee
Waste transporters – Landfill tariff (only those charged for units serviced)	R1 000-00 per month
Resident of MCLM sorting waste at their household level	R50-00 per month
Business Temporary Waste Storage	R500-00
Building Rubble kerbside Refundable	R10 000-00 business R1 000-00 individual
Kerbside fee	R2 000-00 business R200-00 individual
Recycling, buy back centres and Sorting	R500-00
Public gathering festivals with more that	R10 000-00
Public gather service fee	R2 000-00
Failure to register as waste handling facility	R100-00 per day
Call back service	R200-00 per call back service

Schedule II

Tariff description	Prescribed fees
waste handling permit tariff	R500-00
Service point monthly tariff for malls (per tenant)	R30-00
Bringing domestic waste to landfill not exceeding 500kg by MCLM residents (this provisions repeals the existing tariff)	<ul style="list-style-type: none"> ○ For any domestic waste less than 500kg once in seven days there will be no charge ○ In case where any quantity of domestic waste is brought to the landfill by a resident of MCLM more than once within seven days an applicable tariff shall apply ○ The tariff that was applicable before is hereby repealed

Tariffs applicable to customers from outside MCLM	<ul style="list-style-type: none"> ○ Customers from outside MCLM shall pay applicable approved tariff plus 20% of the approved tariff fees ○ Where domestic waste is more than 500kg the resident shall pay applicable tariff fees ○ The tariff that was applicable before is hereby repealed ○ Customers from outside MCLM shall pay applicable normal tariff plus 20% of the normal tariff fees
Hostel monthly refuse collection	R50-00
Print out for landfill transaction	R30
Bin wheel	R100 per bin wheel
Waste Transporters (1-10 vehicles)	R1800
Every additional Vehicles	R250
Garden Service	R500

Schedule

Repeal of certain tariffs:

Name of Tariff	Remarks
Bin liners	The entire tariff should be repealed
Business Waste Management Plan Administration Fee	Only this tariff should be repealed

schedule

Correction of certain tariffs:

Current tariff	Correction
Waste License Holders' service charge(residential & domestic)	Waste License Holders' service charge (residential & domestic) per service point per month
Waste License Holders' service charge (bulk container business and commercial)	Waste License Holders' service charge per service point per month (bulk container domestic, business and commercial) per service point per month